

REMARKS

Claim Rejections – 35 U.S.C. § 112

Claims 1 through 18 are pending in the above-identified application. By this Amendment, the Applicant has amended dependent claims 2 and 11, to recite that a first device's presence status is recorded over "the one or more discrete time periods." The amendment to the claims are supported by the application as originally filed, and do not introduce new matter. Accordingly, entry of the amendment to claims 2 and 11 is respectfully requested.

Claim Rejections – 35 U.S.C. §102

At page 2 of the Office Action, the Examiner rejects claims 1 through 18 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,584,312 ("Morin"). The Applicant respectfully traverses these rejections, and asserts that the claims pending in the present application are patentable over Morin for at least the reasons stated below.

Morin discusses a system and method to provide mobile station terminals (e.g., cellular phones) with comparable subscriber services when a mobile subscriber travels to different mobile switching centers on a wireless network. Col. 2, lines 12-16, 48-50, and 66-67. According to Morin, when a mobile station travels throughout a wireless network, the mobile station will communicate with different Mobile Switching Centers ("MSC"). Col. 2, line 57 and Col. 3 line 3-5. Each MSC communicates with a Home Location Register ("HLR"), which stores a subscriber's profile, including a subscriber's selected services. Col. 3 line 10-15. MSCs throughout the wireless network, however, may not have the capability to provide a subscriber with all of a subscriber's selected services. To determine the services available to a subscriber, each MSC transmits a capabilities message to the HLR indicating the services offered by the MSC. Col. 3, line 53-55. Upon receiving a capabilities message

from an MSC, the HLR determines whether or not the MSC is capable of providing all of a subscriber's selected services as indicated in a subscriber's profile (located on the HLR). Col. 3, lines 60-64 and Col. 4, lines 46-49. If the HLR determines that the MSC is capable of providing all services in a subscriber profile, no modifications are made to a subscriber's profile. Col. 5, lines 35-40. Alternatively, if the HLR determines that an MSC is not capable of supporting a selected service, the HLR determines whether an MSC is capable of providing a substitute service. Col. 5, lines 20-25.

In contrast to Morin, the present invention is directed to methods and software for informing remote clients as to the presence status of a device. More specifically, independent claims 1 and 10 are directed towards methods and computer software for informing remote clients as to the presence of a device by recording a presence status of a first device to create an observed presence profile that comprises information regarding the presence status of the device over a period of time. The observed presence profile is compared with one or more model presence profiles that represent an approximation of the presence status of the device to compute a closest matching model presence profile. Information representing the closest matching model presence profile is transmitted to one or more devices.

The Examiner asserts that Morin teaches comparing an observed presence profile with one or more model presence profiles that represent an approximation of the presence status of a device to compute a closest matching model presence profile. As noted above, a presence profile as claimed by independent claims 1 and 10 is not analogous to Morin's discussion of storing a subscriber's current location information. Moreover, Morin does not teach or otherwise suggest the use of one or more model profiles in comparison to an observed presence profile to compute a closest matching model presence profile. Instead,

Morin merely uses an MSC capabilities message to compare the capabilities of an MSC with selected services in a subscriber's profile, modifying a subscriber's profile if the MSC is not capable of offering one or more of subscriber's selected services. See Col. 4, line 48-52.

Neither the MSC capabilities messages nor the subscriber's profiles that Morin discusses are model presence profiles as claimed. An MSC capabilities message contains information describing the services offered by the relevant MSC. Col. 3, line 61-63.

Similarly, a subscriber's profile contains relevant subscriber information, such as selected services. Col. 3, lines 10-15. Neither an MSC message nor a subscriber's profile qualifies as a model presence profile since neither represents an approximation of the presence status of a device, as claimed. Any modified subscriber profile that is created by Morin based upon the comparison between a subscriber profile and an MSC capabilities message (See Col. 4, lines 52-55) is distinct from comparing an observed presence profile with one or more model presence profiles that represent an approximation of the presence status of the device to compute a closest matching model presence profile. Consequently, Morin fails to teach or otherwise suggests the elements of independent claims 1 and 10. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1 and 10 and allowance of the same

The dependent claims of the present application contain additional features that further substantially distinguish the invention of the present application over the prior art of record. Given the Applicant's position on the patentability of the independent claims, however, it is not deemed necessary at this point to delineate such distinctions.

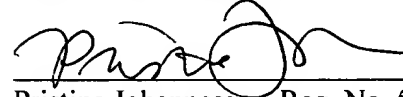
For the above reasons, the Applicant submits that the present invention, as claimed, is patentable over the references cited by the Examiner. Accordingly, reconsideration and allowance of pending claims 1-18 is therefore respectfully solicited. To

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expedite prosecution, the Examiner is invited to contact the Applicant's representative at 212-895-2000.

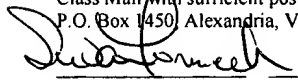
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 10/3/05
Susan Formicola Date